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 11 ARIA DIAGNOSTICS, INC.

12 **UNITED STATES DISTRICT COURT**

13 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14 SEQUENOM, INC	)	Case No. 3:12-cv-0189-BEN-BGS
15 Plaintiff,	)	<b>JOINT MOTION FOR DISMISSAL</b>
16 v.	)	<b>WITHOUT PREJUDICE PURSUANT TO</b>
17 ARIA DIAGNOSTICS, INC.,	)	<b>FED. R. CIV. P. 41(a)(1)(A)(ii)</b>
18 Defendant,	)	<b>[L.R. 7.2]</b>
19 and	)	Hon. Roger T. Benitez
20 ISIS INNOVATION LIMITED	)	
21 Nominal Defendant,	)	
22	_____	)

1 **TO THE COURT AND ALL PARTIES OF RECORD:**

2 WHEREAS, on January 24, 2012, Plaintiff Sequenom, Inc. ("Sequenom") filed a  
3 complaint in the above entitled action against Defendants Aria Diagnostics, Inc. and Nominal  
4 Defendant Isis Innovation Limited ("Defendants");

5 WHEREAS on February 28, 2012, Defendants answered Plaintiff's complaint;

6 WHEREAS all parties have agreed to the dismissal of this action pursuant to Federal Rule  
7 of Civil Procedure 41(a)(1)(A)(ii) without prejudice, with all parties to bear their own fees and  
8 costs;

9 **Therefore, the parties request that this action be dismissed without prejudice.**

10 Respectfully submitted,

11 Dated: March 14, 2012

12 KAYE SCHOLER LLP

13  
14 By: s/ Michael J. Malecek  
15 Michael J. Malecek  
16 Attorneys for Plaintiff  
17 SEQUENOM, INC.

18 Dated: March 14, 2012

19 IRELL & MANELLA LLP

20 By: s/ David I. Gindler  
21 David I. Gindler  
22 Attorneys for Defendant  
23 ARIA DIAGNOSTICS, INC.

24 Dated: March 14, 2012

25 SUGHRUE MION, PLLC

26 By: s/ John B. Scherling  
27 John B. Scherling  
28 Attorneys for Nominal Defendant  
ISIS INNOVATION LIMITED

## **ATTESTATION CLAUSE**

I, Michael J. Malecek, hereby attest in accordance with Electronic Case Filing Administrative Policies and Procedures, Section 2f4 that David I. Gindler, counsel for Aria Diagnostics, Inc. and John B. Scherling, counsel for Isis Innovation Limited, have provided their concurrence with the electronic filing of the foregoing document entitled Joint Motion For Dismissal Without Prejudice Pursuant To Fed. R. Civ. P. 41(a)(1)(A)(ii) [L.R. 7.2].

Dated: March 14, 2012

By: *s/ Michael J. Malecek*  
Michael J. Malecek

KAYE SCHOLER LLP

## **CERTIFICATE OF SERVICE**

I, Michael J. Malecek, hereby certify that on March 14, 2012, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

*s/ Michael J. Malecek*

Michael J. Malecek

KAYE SCHOLER LLP